COUNTY DEPARTMENT AGENDA REQUEST

Department:	Commissioners	Presenter(s):	County Administrator Jack Krakeel
Meeting Date:	Wednesday, March 2, 2011	Type of Request:	New Business

Wording for the Agenda:

Discussion of Senate Bill 86 which relates to eliminating some statewide planning mandates.

Background/History/Details:

In Georgia, comprehensive plans are developed every 10 years by counties and cities in an effort to comply with state law, and they are intended to guide policy and development decisions in local communities. Communities must update their plans every five years and be designated a Qualified Local Government in order to be able to receive state grants, loans, permits, and other financial assistance . However, state requirements are often too cumbersome for local governments, come with significant taxpayers' expense, and the resulting plans are rarely considered again.

Senate Bill 86 and House Bill 260 are intended to simplify government, promote innovation, and allow cities and counties to develop a planning process that encourages their business and citizens to work with them to set their own vision and develop a plan to meet it.

These bills would diminish the burden on local governments by changing mandated requirements. The Association County Commissioners of Georgia (ACCG) and the Georgia Municipal Association (GMA) have supported the introduction of Senate Bill 86 for consideration. The Atlanta Regional Commission and the Georgia Department of Community Affairs (DCA) are opposing Senate Bill 86.

What action are you seeking from the Board of Commissioners?

No action is required. Staff does request the Board to provide direction on how to proceed with this issue.

If this item requires funding, please describe:

Not applicable.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	Yes

STAFF USE ONLY

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	
Administrator's Approval	Yes		

Staff Notes:

Carol Chandler

From: Mueller, Clint [CMueller@ACCG.org]

Sent: Tuesday, February 22, 2011 11:15 AM

To: chairmanmathis@co.henry.ga.us; richard.oden@rockdalecounty.org; shirley.lasseter@gwinnettcounty.com; tworthan@co.douglas.ga.us; bellis@co.dekalb.ga.us; lbahrens@cherokeega.com; Eaves, John; eldrin.bell@co.clayton.ga.us; Herb Frady; tlee@cobbcounty.org

Attachments: SB 86 Talking Points_CleanII.DOC

Dear Chairman:

It is our understanding you will be discussing Senate Bill 86 – remove planning mandates - at the ARC Board Meeting on Wednesday. We wanted to share with you some information that may be helpful as you consider the legislation and any position that may be proposed to be adopted by the Atlanta Regional Commission. Because of hearings at the Capitol during the meeting, ACCG staff will not be available to attend. However, we believe ACCG, GMA and the ARC should not be taking opposing positions on this legislation since the three organizations serve local governments.

Both ACCG and GMA supported the introduction of SB 86 to bring important issues facing local government to the forefront. **Most importantly, the issue is the value of the state mandated plans to the county taxpayers that fund their development.** During this economic environment, every mandate on local government warrants examination. County and city officials reported that the value of the comprehensive plans – as mandated by DCA - were inconsistent and, in many cases, ignored. After meeting with DCA staff and briefing legislators on the issues, several state legislators with local government experience decided to introduce SB 86.

The legislation is not intended as an attack on the value of planning to communities, especially when it is done with local ownership and in a way tailored to local needs. Instead, it cuts directly to the heart of the issue – the state mandated, cookie cutter, top down approach currently in place is not producing enough value to justify itself. When the Georgia Planning Act was originally passed, it was with the intent to create a statewide growth plan and standardization at the state level was necessary. Regrettably, the political will and resources from Georgia's state leaders never matched that intent. SB 86, if it used correctly, is an opportunity to modernize planning law to match current circumstances.

As with any bill, SB 86 is going to be amended during the legislative process. Rather than the ARC simply opposing SB 86, it would be far more productive for the three organizations – ARC, ACCG and GMA – to get on the same page. We hope during your discussions at the board meeting this week that we can move in that direction. Attached and through the link below are answers to some frequently asked questions about SB 86 for your review and consideration. We are happy to provide you with any additional information that you may need. Also, I am personally available anytime to discuss this legislation.

Best regards,
Clint Mueller

http://www.accg.org/library/2011_02_22_SB%2086%20Talking%20Points_CleanII.pdf

Clint Mueller
Legislative Director
Association County Commissioners of Georgia
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SB 86/HB 260 Frequently Asked Questions
Association County Commissioners of Georgia

What are comprehensive plans and how are they used?
Currently, comprehensive plans are developed by Georgia's counties and cities in order to comply with state law and are intended to guide policy and development decisions in local communities. Local governments must develop comprehensive plans every 10 years, and update them every 5 years to maintain Qualified Local Government (QLG) status, which is their ability to receive state grants, loans, permits, etc. The Department of Community Affairs (DCA) administers these programs.

The Comprehensive Planning process diverts limited planning resources from regional, state, and innovative local planning. Large jurisdictions often have local plans that are more comprehensive than the state requirements and must spend time and financial resources revising their plans to meet the state mandate. In some cases, planners have been forced to identify ways to work around the stringent comprehensive planning requirements in order to implement community planning visions, e.g. Atlanta's Beltline Initiative. On the other hand, small governments are forced to follow the same rigorous planning process, even if requires them to address areas that are not community priorities. While DCA has different planning levels depending upon the size of a community, the planning elements that must be addressed for each level are essentially the same. The result is that many cities and counties develop a comprehensive plan, often at significant taxpayer expense, submit it for approval and never look at it again. The Association County Commissioners of Georgia (ACCG) believes that the flexibility granted in SB 86/HB 260 will allow for planning that will more appropriately address a community's needs and economic development vision.

Does SB 86/HB 260 end comprehensive planning?
No. Instead, it moves Georgia to an economic competitive model of planning. A model that simplifies government, promotes innovation, and allows cities and counties to develop a planning process that encourages their businesses and citizens to work with them to set their own vision and develop a plan to meet it. The current, rigid comprehensive planning checklist is often not a tool to implement a community's vision; however, it a community feels the current DCA comprehensive planning is working for them, they are free to continue using this model. In either case, SB 86/HB 260 in no way usurps, hinders or otherwise interferes with a local government's land use planning and zoning. It simply affords local governments greater flexibility, in that they no longer have to follow a prescribed, top-down comprehensive plan.

Why eliminate the review process for developments of regional impact??
Established over 20 years ago, the Development of Regional Impact (DRI) process was intended to coordinate infrastructure development on a regional basis. Today, regional planning efforts are done for statewide and regional water plans, as well as for transportation through the Regional Transportation Investment Act of 2010 (T-SPLOST). These planning processes provide constructive opportunities for regional coordination and dialogue. Moreover, despite the fact that DRI findings are only recommendations, local governments have been forced in the past to delay development decisions and follow a burdensome regulatory process which requires the consideration of numerous extraneous factors. Failure to follow the process can result both in severe penalties for the local government and in costly legal expenditures to defend decisions made in the best interest of the community. In fact, one could argue that the DRI process is counterproductive to regional planning. Without a regional plan to frame decisions, the DRI process sets up a standard where regional development decisions are made

within the context of their local impact, by local decision makers, through a piecemeal decision making process.

Will removing the comprehensive planning mandate put local zoning decisions at risk?
SB 86/HB 260 does not eliminate comprehensive planning. Comprehensive planning continues to be authorized by law. Zoning decisions should be based upon a local government's land-use plan. If a city or county wants to ensure land-use and zoning decisions stand up to legal challenges, then its comprehensive plan should include a land use element. Depending upon the planning needs of the local government, this may be the only element of the comprehensive plan.

Once it is no longer mandatory, will cities and counties still plan?
Yes. The past 20 years of state-required planning has established a basic level of planning experience throughout the state and provides more than an able framework for Regional Commissions and state agencies to prepare regional and state plans. It is now time for local officials to develop their own planning processes and plans. Cities and counties are aware that, especially during trying economic times, planning is a useful means of ensuring that limited resources are expended wisely. Furthermore, cities and counties need to be able to focus limited resources on planning efforts that address their particular needs rather than allocating funding to areas mandated by the state. In today's economic climate, businesses are looking to locate in communities that are responsive to their needs. They are locating in communities where they can help shape the planning process and the future plans of their community. The rigid comprehensive planning standards do not allow for the type of economic growth and job stimulation that the business community is currently seeking.

What happens when a neighboring county or city doesn't plan?
First of all, comprehensive planning has little to do with planning, zoning and land use carried out at the local level. Georgia's communities are all unique. Forcing local governments to adopt standard, uniform planning standards stifles creativity and drains resources from more tailored planning efforts. It also drains regional and state resources that could be devoted to promoting best management practices and providing direct technical assistance and incentives to encourage appropriate local growth and economic development plans. In addition, planning takes many forms besides comprehensive planning, so eliminating the mandates via SB 86/HB 260 by no means constitutes the end of local planning.

Should the planning community oppose this bill?
No. ACCG supports this legislation as a pro-planning endeavor, as it will help free up local resources to develop and implement more individualized community plans rather than plans which are developed solely to meet state requirements. Furthermore, it will also free up state resources to provide enhanced guidance and assistance to local governments in their planning process and economic development efforts. Planners should embrace the flexibility that SB 86/HB 260 offers, because removing the mandate will give planners the license to be innovative and the freedom to demonstrate the true value that their work conveys to the community.

Why shouldn't the state keep its ability to remove qualified local government status?
The threat of losing a county or city's Qualified Local Government (QLG) status was placed into statute 20 years ago to ensure local comprehensive plans were written and implemented to DCA requirements. What is needed now is a state and local partnership in planning which offers encouragement, rather than the threat of punishment, to promote planning that truly meets local needs. Another provision of QLG is requiring cities and counties to participate in DCA's mediation process to resolve regional disputes. While it is typically in a local

governments best interest to participate in mediation, if there is concern that a hammer is needed to require mediation, statutory language similar to the similar that found in the service delivery law could be inserted into the bill e.g. "No state administered financial assistance or grant, loan, or permit shall be issued to any local government or authority that fails to participate in the department's mediation process."

Is SB 86/HB 260 just an end run around citizen participation and transparency in planning?
Not at all. In fact, citizens currently don't have much incentive to get involved in the DCA's, checklist-style planning process. Citizen engagement should be enhanced as a result of greater local ownership of their community's vision The planning agenda will become the citizens' agenda and not that of the state. Furthermore, local planning and zoning meetings are open to the public, as are planning and zoning votes at the local government level.

Will SB 86/HB 260 affect the process by which federal and state grants are awarded?
If adopted as written, SB 86/HB 260 would prohibit DCA from penalizing a city or county for not participating in the comprehensive planning process, including but not limited to denying federal or state grants, loans or other services. This legislation enables, and frees up resources for, local governments to develop comprehensive plans or other plans needed to specifically meet Community Development Block Grant (CDBG) or other federal and private foundation grant funding criteria.

Why not embrace the DCA proposal for a temporary deferral?
SB 86/HB 260 embraces and embodies the proposal. In essence, the proposed deferral is recognition that the existing planning program and rules are not useful to local governments, acknowledging that they are too onerous, too costly and relatively ineffective. The proposed revisions are extensive and represent cost savings to local taxpayers. However, it appears that DCA is offering to provide this level of planning service; thus, there is no reason to mandate comprehensive planning.

What are the cost savings to local governments?
The costs of preparing comprehensive plans vary widely across the state. For most rural counties, the cost to prepare a plan or have a Regional Commission prepare one is up to $60,000. If a county contracts with a private planning firm, the cost ranges from $50,000 to over $130,000.

Will SB 86/HB 260 discourage businesses from moving to Georgia?
No. Businesses are typically drawn to communities for a variety of factors including suitable infrastructure, a qualified work force, a good local school system and other quality of life factors. SB 86/HB 260 empowers local officials, businesses and citizens to get involved and have influence over the vision for the community.